Case 3:73-cv-00044 Document 1 Filed 04/19/73 Page 1 of 2 PageID #: 1

CIVIL DOCKET

## UNITED STATES DISTRICT COURT

LUNGE HALL

Trans. to Judge Haden

5/19/76

Jury demand date:

CA-73- 44  $\mathbf{H}$ D. C. Form No. 106 Rev. TITLE OF CASE ATTORNEYS STATE OF WEST VIRGINIA, ex rel. For plaintiff: and for the use of State Construction, Carney M. Layne Inc., a corporation and STATE CONSTRUCTION, 638 Fifth Avenue INC., a corporation Huntington, West Virginia Telephone: 525-6531 Plaintiffs, vs. RYAN INCORPORATED OF WISCONSIN, a corporation, and AMERICAN EMPLOYERS INSURANCE COMPANY, a corporation, For defendants: RYAN INCORPORATED OF \* Mark L. Korb Campbell, Brennan, Steil & Ryan Defendants. One East Milwaukee, Suite 305 Janesville, Wisconsin 53545 \* Milton T. Herndon Cambpell, Woods, Bagley, Emerson, McNeer & Herndon 1000 First Htg. National Bank Bldg. Huntington, West Virginia Telephone: 529-2391 AMERICAN EMPLOYERS INSURANCE COMPANY Milton T. Herndon Campbell, Woods, Bagley, Emerson, McNeer & pu-dry any 12,1974 Herndon 14th Floor Coal Exchange Bldg. P.O.Box 1835 Huntington, W. Va. 25719 Telephone: 529-2391 and Mark L. Korb Campbell, Brennan, Steil & Ryan One East Milwaukee, Suite 305 Janesville, Wisconsin 53545 Telephone (608) 754-4433 NAME OR STATISTICAL RECORD COSTS REC. DISB. DATE 1973 RECEIPT NO. J.S. 5 mailed Clerk 15 00 4-19 *#*61722 4-30 C.D. No. 20 15 00 Marshal J.S. 6 mailed Basis of Action: Docket fee Witness fees Depositions Action arose at:

vs.

CA-73- 44 H

RYAN INCORPORATED OF WISCONSIN, a corporation, and AMERICAN EMPLOYERS INSURANCE COMPANY, a corp.

DATE 1973	PROCEEDINGS	Date Order or Judgment Noted
pr. 19	(1) Filed Petition for Removal from Circuit Court of Cabell Co., W.Va.	
	, with Affidavit and relevant documents attached.	
pr. 19	(2) Filed Notice of Removal	
pr. 19	(3) Filed Removal Bond in the sum of \$500.00	
pr. 19	(4) ORDER: extending time for Defts. to answer and file counterclaim	
	to May 7, 1973. COB 22, P.299	1
pr. 26	(5) ORDER, extending time for Defts. to filed answer and counterclaim	
	until May 22, 1973. COB 22, P. 326	
ay 22	(6) Filed Answer and Affirmative Defenses and Counterclaim of Ryan Inc. of Wiscon	sin.
ay 22	(7) Filed Answer and Affirmative Defenses of American Employers Insurance Co.	
une 8	(8) Filed Plaintiffs Reply to so much of the Answer of Deft. Ryan Inc. of Wiscon	
June 0	as is affirmative defense and in the nature of Counterclaim and Plaintiffs	5 I II
	Reply to the Counterclaims of Deft. Ryan Incorporated of Wisconsin.	
ine 8	(9) Filed Plaintiffs Reply to so much of the Answer of Deft. American Employers	
rite o		
	Insurance Co. as is Affirmative Defendse and in the Nature of Counterclaim.	
une 26	(10) Reply to the Affirmative Allegations set forth in Plaintiffs' Reply to the	
	Answer of the Defendant Ryan Incorporated of Wisconsin and Reply to the	
	Affirmative Allegations set forth in Plaintiffs' Reply to the Counterclaims	
	of Ryan Incorporated of Wisconsin, and Ryan Inc. prays that complaint of	
	plaintiffs be dismissed and granted Judgment on its counterclaim, filed.	
ne 26	(11) Reply to the Affirmative Allegations set forth in Plaintiffs' Reply to the	
N 7 W 1	Answer of the Deft. American Employers Ins. Co., and American Employers	
	Ins. Co, prays that Plaintiffs' complaint be dismissed, etc., filed.	
1974		
lay 29	File sent to Judge Hall by U. S. Marshal Humphreys.	
1976	12.0 00.0 00 00.0	
ay 19	(12) ORDER, transferring case from Judge Hall to Judge Haden. COB 32, P.72	
ly 9	(13) ORDER: Pre-trial conf. set for Aug. 12, 1976 at 10:30 A.M. COB 32, P. 251	
9-22-76	(14) Motion for Summary Judgment of American Employers' Insurance Company and	
	Notice of Motion with Affidavit in Support of Motion attached thereto,	
	filed. (Copy to Judge Haden, Jim Nash)	
-22-76	() Brief in Support of Motion for Summary Judgment on behalf of Defendant,	
	American Employers Insurance Company, received. (Copy to Judge Haden)	
0-05-76	(15) Notice on behalf of Defendants to take deposition of R. E. Troy on Nov. 17,	
	1976; William L. Flesher on Nov. 18, 1976; and A. J. Curback on Nov. 19, 19	76,
	all commencing at 9:00 A.M., filed. (copy to J.Haden)	
-05-76	(16) Defendants' Request for Production of Plaintiff's Documents and for Inspection	n
	and Copying thereof, FRCP 34, filed. (copy to J.Haden)	
-05-76	(17) Interrogatories of Defendants to State Construction, Inc., FRCP 33, filed.	
-26-76	(18) Plaintiff's Response to Defendant's Rule 34 Reqest for Documents, filed.	
-26-76	() Brief of Plaintiff in Opposition to Defendant American Employers Insurance	
20-70	Company's Motion for Summary Judgement, received. (Copy of Response and	
	Brief to Judge Haden; Jim Nash)	
03-76	(19) P'aintiff's Response to Defendants' Rule 33 Interrogatories, filed.	
08-76	(20) Amended Notice of Depositions and Request for Production of Documents, FRCP	
- 00-70	30 and 34, on behalf of Defendants. (copy to Judge Haden)	
L- 10- 76		
	(++) Reply Brief in Support of Defendant American Employers Insurance Company's	
	Motion for Summary Judgment, received. (Copy to Judge Haden; Jim Nash)	
-14-76	(21) ORDER: Action dismissed as compromised, agreed and settled, with prejudice,	
	with each party paying its costs in this behalf expended. (cc: Herndon;	
	Layne; Judge Haden) 33/497	